IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2198 OF 2005

Chandar Ashok Kakade ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.R.S.Kate for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 6, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Applicant is claiming parity along with co-accused. However, learned A.P.P. submits that although on merits, parity is available to the Applicant, but insofar as the present Applicant is concerned, there are already antecedents against him. The first C.R. registered against the

Applicant which trial is still pending, is for offence punishable under Sections 324, 452, 504 read with Section 34 of the Indian Penal Code being C.R.No.171 of 1997 at Phaltan Police Station. The second C.R. registered is for offence punishable under Section 307, 452, 427, 506 read with Section 34 of the Indian Penal Code being C.R.No.174 of 1998. Besides, the Applicant was granted bail in the second C.R. However, while on bail, the present offence has been committed. This is a good reason for refusing bail. Moreover, it is pointed out that in fact the Applicant had jumped the bail condition in C.R.No.174 of 1998, for which reason, arrest warrants were issued, but the Applicant was absconding. If it is so, there is no question for granting bail to such Applicant.

3. To get over this position, learned Counsel for the Applicant contends that there are antecedents also against the co-accused, who has been released on bail. This submission, however, overlooks the peculiar facts of the present case as referred to above, which, in my view, are sufficient to reject prayer for bail. Hence, this

Application is rejected.

4. As prayer for bail is rejected, the Trial Court is directed to expedite the hearing of the case and ensure early disposal of the trial. If the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be reckoned as and when occasion arises.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.